

106TH CONGRESS
1ST SESSION

H. R. 2079

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 1999

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the conveyance of certain National Forest
System lands in the State of South Dakota.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Terry Peak Land
3 Transfer Act of 1999”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Certain National Forest System land lo-
7 cated in the Black Hills National Forest in Law-
8 rence County, South Dakota, is currently permitted
9 to the Terry Peak Ski Area by the Secretary of Ag-
10 riculture pursuant to section 3 of the National For-
11 est Ski Area Permit Act of 1986 (16 U.S.C. 497b).

12 (2) The National Forest System land comprises
13 only 10 percent of the land at the Ski Area, with the
14 remaining 90 percent located on private land owned
15 by the Ski Area operator.

16 (3) As the fractional Forest Service land hold-
17 ing at the Ski Area is also encumbered by ski lifts,
18 ski trails, a base lodge parking lot and other pri-
19 vately owned improvements, it serves little purpose
20 in continued public ownership, and can more logi-
21 cally be conveyed to the Ski Area to unify land man-
22 agement and eliminate permitting and other admin-
23 istrative costs to the United States.

24 (4) The Ski Area is interested in acquiring the
25 land from the United States, but the Secretary does
26 not have administrative authority to convey such

1 land in a nonsimultaneous land exchange absent spe-
2 cific authorization from Congress.

3 (5) The Black Hills National Forest contains
4 several small inholdings of undeveloped private land
5 with multiple landowners which complicate National
6 Forest land management and which can be acquired
7 by the United States from willing sellers if acquisi-
8 tion funds are made available to the Secretary.

9 (6) The proceeds from the Terry Peak convey-
10 ance can provide a modest, but readily available and
11 flexible, funding source for the Secretary to acquire
12 certain inholdings in the Black Hills National Forest
13 from willing sellers, and given the small and scat-
14 tered nature of such inholdings, and number of po-
15 tential sellers involved, can do so more efficiently
16 and quickly than through administrative land ex-
17 changes.

18 (7) It is, therefore, in the public interest to con-
19 vey the National Forest System land at Terry Peak
20 to the Ski Area at fair market value and to utilize
21 the proceeds to acquire more desirable lands for ad-
22 dition to the Black Hills National Forest for perma-
23 nent public use and enjoyment.

24 (b) PURPOSE.—It is the purpose of this Act to re-
25 quire the conveyance of certain National Forest System

1 lands at the Terry Peak Ski Area to the Ski Area and
2 to utilize the proceeds to acquire more desirable lands for
3 the United States for permanent public use and enjoy-
4 ment.

5 **SEC. 3. DEFINITIONS.**

6 As used in this Act:

7 (1) The term “Secretary” means the Secretary
8 of Agriculture, unless otherwise specified.

9 (2) The term “selected land” means land com-
10 prising approximately 41.42 acres and generally de-
11 picted as government lots 6 and 11, section 2, town-
12 ship 4 north, range 2 east, Black Hills meridian, on
13 a map entitled “Terry Peak Land Conveyance”,
14 dated March 1999.

15 (3) The terms “Terry Peak Ski Area” and “Ski
16 Area” mean the Black Hills Chairlift Company, a
17 South Dakota Corporation, or its successors, heirs
18 and assigns.

19 **SEC. 4. LAND CONVEYANCE AND MISCELLANEOUS PROVI-**
20 **SIONS.**

21 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
22 riculture shall convey the selected land to the Terry Peak
23 Ski Area at fair market value, as determined by the Sec-
24 retary.

1 (b) APPRAISAL.—The value of the selected land shall
2 be determined by the Secretary utilizing nationally recog-
3 nized appraisal standards, including to the extent appro-
4 priate, the Uniform Appraisal Standards For Federal
5 Land Acquisitions (1992), the Uniform Standards of Pro-
6 fessional Appraisal Practice, and other applicable law. The
7 costs of the appraisal shall be paid for by the Ski Area.

8 (c) COMPLETION OF CONVEYANCE.—It is the sense
9 of the Congress that the conveyance to the Ski Area re-
10 quired by this Act be consummated no later than 6 months
11 after the date of the enactment of this Act, unless the
12 Secretary and the Ski Area mutually agree to extend the
13 consummation date. Prior to conveying the selected land
14 to the Ski Area, the Secretary shall complete standard
15 pre-disposal analyses and clearances pertaining to threat-
16 ened and endangered species, cultural and historic re-
17 sources, wetlands and floodplains, and hazardous mate-
18 rials.

19 (d) USE OF PROCEEDS BY THE SECRETARY.—All
20 monies received by the Secretary pursuant to this Act
21 shall be considered monies received and deposited pursu-
22 ant to Public Law 90–171 (16 U.S.C. 484a; commonly
23 known as the Sisk Act) and shall be utilized by the Sec-
24 retary to acquire replacement land from willing sellers for
25 addition to the Black Hills National Forest in South Da-

1 kota. Any lands so acquired shall be added to and adminis-
2 tered as part of the Black Hills National Forest and, if
3 any such land lies outside the exterior boundaries of the
4 Forest, the Secretary may modify the boundary of the
5 Forest to include such land. Nothing in this section shall
6 be construed to limit the authority of the Secretary to ad-
7 just the boundaries of the Forest pursuant to section 11
8 of the Act of March 1, 1911 (16 U.S.C. 521; commonly
9 known as the Weeks Act).

10 (e) CONVEYANCE SUBJECT TO VALID EXISTING
11 RIGHTS, EASEMENTS.—The conveyance to the Ski Area
12 required by this Act shall be subject to valid existing
13 rights and to existing easements, rights-of-way, utility
14 lines and any other right, title or interest of record on
15 the selected land as of the date of transfer of the selected
16 land to the Terry Peak Ski Area.

Passed the House of Representatives September 21,
1999.

Attest:

JEFF TRANDAHL,

Clerk.